

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent, No. CR S-02-0066 DFL DAD P

vs.

DAVID SANTIAGO VALDEZ,

Movant. ORDER

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Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. In accordance with Rule 4(a) of the Rules Governing Section 2255 Proceedings, the clerk forwarded the motion to the district judge who conducted the proceedings being challenged. The district judge examined the motion and referred the action to a magistrate judge on January 26, 2007.

If a § 2255 motion is not dismissed upon initial consideration by the judge who conducted the proceedings being challenged, the court “must order the United States attorney to file an answer, motion, or other response within a fixed time, or to take other action the judge may order.” Rule 4(b), Rules Governing § 2255 Proceedings.

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Accordingly, IT IS HEREBY ORDERED that:

1. Respondent shall file and serve an answer, motion, or other response to movant's § 2255 motion within thirty days after this order is filed. See Rules 4 and 5, Rules Governing § 2255 Proceedings. Respondent shall include with the response all transcripts or other documents relevant to the grounds for relief presented in the § 2255 motion. See Rule 5, Rules Governing § 2255 Proceedings.

2. If respondent files an answer to movant's § 2255 motion, movant's reply to the answer shall be filed and served within thirty days after respondent's answer is placed in the mail to movant.

3. If respondent files a counter-motion to movant's § 2255 motion, movant's opposition to the counter-motion shall be filed and served within thirty days after the counter-motion is placed in the mail to movant, and respondent's reply to opposition shall be filed and served within thirty days after movant's opposition is placed in the mail to respondent.

4. The Clerk of the Court shall serve a copy of this order, together with a copy of the § 2255 motion filed by movant on May 5, 2006, upon the United States Attorney or his authorized representative.

DATED: January 31, 2007.

Dale A. Drozd
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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